

REMARKS

Claims 1-14 are now pending in the application. Claims 1, 9, and 14 have been amended. The amendments are not narrowing amendments. Support for amendments to Claims 1 and 14 are in the Specification at Paragraphs [0022], [0023], and [0025]. Claim 9 has been amended to include the limitations of independent Claim 1. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-2, 5-6, 10-11, and 13-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Webb (U.S. Pat. No. 5,911,654) in view of Gill (U.S. Patent No. 2,641,779).

At the outset, Applicant points out that Claims 1 and 14 have been amended to include an open curtain swag adapted to expose a portion of the headboard or footboard.

The combination of Webb and Gill fails to teach or disclose Applicant's invention. To support the admitted shortcomings of Webb, the Examiner equates the scallop of Gill to Applicant's swag. Applicant respectfully points out that the scallop of Gill results from the shape of the underlying headboard (Column 1, lines 8-10; and Figures 1 and 2, element 5). Furthermore, Gill's scalloped top is substantially horizontal and is a single continuous curve contoured to the underlying headboard, and the cover masks the entire headboard (Column 1, lines 8-12 and Column 2, lines 12-15). By contrast, Applicant's open curtain swag is curved in a substantially vertical direction, each side of

the swag is not continuous, but is the left and right panels repeatedly diverging and converging towards the respective other panel (Figures 2, 4, and 6), and the space between the left and right panels reveals the underlying headboard. Because the combination of Webb and Gill does not teach or suggest every element of Applicant's invention, the Examiner's 103§(a) rejection is improper for Claims 1 and 14. The 103§(a) rejection is also improper for dependent claims 2, 5-6, 10, and 11. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 3, 4, 7-8, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Webb in view of Gill and further in view of Bordo (U.S. Patent No. 5,802,637). These rejections are respectfully traversed.

For the reasons, set forth above, the combination of Webb and Gill fails to teach or suggest Applicant's invention. The addition of Bordo which is pertinent to maintaining the cover to the headboard does not teach or suggest Applicant's open curtain swag exposing a portion of the underlying headboard or footboard. Therefore, reconsideration and withdrawal of these rejections are respectfully requested.

ALLOWABLE SUBJECT MATTER

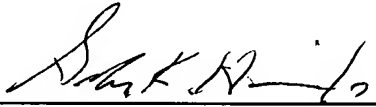
Applicant thanks Examiner for the notice of allowable subject matter. Claim 9 has been rewritten in independent form including all of the limitations of its base claim. Claim 9 is therefore believed to be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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